

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA

v.

CASE NO: 2:12-00024-1

DONALD CLYDE WHITTEN

DEFENDANT'S MOTION FOR LEAVE TO FILE SENTENCING MEMORANDUM

Comes now the defendant, Donald Clyde Whitten, by and through counsel, Tim C. Carrico, Esq., for his Motion seeking leave to file his sentencing memorandum. In support of this Motion, Mr. Whitten states as follows:

1. That the deadline for the defendant to file his sentencing memorandum was initially set for June 6, 2012, based on a scheduled sentencing hearing date of June 13, 2012.
2. That on June 5, 2012, the Court continued the sentencing hearing to August 29, 2012.
3. The Court has a standing order requiring that the defendant's sentencing memorandum be filed within (5) business days of the sentencing hearing.
4. That the defendant does not object to the revised PSR for any reason.
5. That the defendant is not raising any new substantive issue by his sentencing memorandum.
6. That the defendant by his sentencing memorandum is attempting to make the Court more fully aware of his current and expected health care problems, to formally request a sentence of probation alternative to any form of incarceration, and to submit to the Court approximately (5) character reference letters.
7. The government does not object to the defendant's motion for leave to file this sentencing memorandum.

WHEREFORE, based on the foregoing, the defendant, Donald Clyde Whitten, respectfully requests the Court to grant him leave to file his sentencing memorandum.

RESPECTFULLY SUBMITTED,

Donald Whitten
By Counsel,

s/Tim Carrico

Tim C. Carrico, WVSb ID 6771
Carrico Law Offices LC
1412 Kanawha Blvd. East
Charleston, W. Va. 25301
(304) 347-3800

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA

vi.

CASE NO: 2:12-00024-1

DONALD CLYDE WHITTEN

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing
“**Defendant’s Motion for Leave to File Sentencing Memorandum**” was served this 27th day
of August, 2012, via E-Filing to the following:

Steve Ruby
Assistant U. S. Attorney
P. O. Box 1713
Charleston, WV 25326

s/Tim C. Carrico
TIM C. CARRICO (WVSB #6771)